

FILED MAY 11 12 32 PM '06

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

MARLENE E. SUMMERS,	)	
	)	
Plaintiff,	)	
	)	Cv. No. 05-6357-TC
v.	)	
	)	
	)	ORDER
	)	
HUTCHINS EUGENE NISSAN, INC.,	)	
an Oregon domestic corporation,	)	
dba LITHIA NISSAN OF EUGENE,	)	
	)	
Defendant.	)	
_____	)	

Magistrate Judge Thomas M. Coffin filed an order denying defendant's motion to abate this action pending arbitration. Defendant has filed objections pursuant Fed. R. Civ. P. 72(a) with respect to nondispositive orders. Judge Coffin determined that the entire arbitration agreement is unenforceable because it impermissibly denied plaintiff the benefit of the attorney-fee shifting provisions of Title VII.

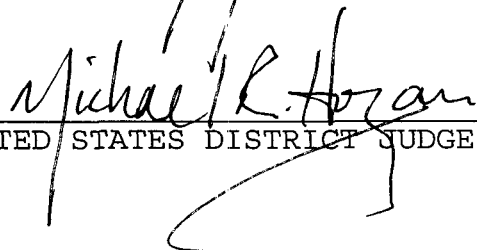
A motion to stay is not generally dispositive. However, Judge Coffin's order is dispositive of affirmative defenses raised by defendant. Accordingly, in an exercise of caution, I have given de novo review of Magistrate Judge Coffin's rulings required by Fed. R. Civ. P. 72(b).

I find no error. Accordingly, I ADOPT Magistrate Judge Coffin's Order filed April 3, 2006, in its entirety.

Defendant's motion (#7) to abate is denied. The arbitration agreement between plaintiff and defendant is deemed unenforceable, and plaintiffs claims will proceed in this court pursuant to the existing case management schedule.

IT IS SO ORDERED.

DATED this 10<sup>th</sup> day of May, 2005.

  
UNITED STATES DISTRICT JUDGE